

## **REMARKS**

Claims 1-42 are pending.

Claims 1-42 stand rejected.

Claims 1, 13, 28, and 31 have been amended for clarity.

### **Specification**

The disclosure is objected to because of various informalities.

- Page 10, lines 27-28: “0109 Application” is unclear.

APPLICANTS RESPONSE: Page 1, lines 5-6 identify the “0109 Application” as U.S. Patent Application No. 09/895,458.

- Page 17, line 30: “create button” would read well as “create new goal button”.

APPLICANTS RESPONSE: The paragraph containing page 17, line 30 has been amended to delete “create button” and insert “Create a New Goal button”, which is consistent with Figure 6.

- Page 17, line 31: “and” would read well as “an”.

APPLICANTS RESPONSE: The paragraph containing page 17, line 30 has been appropriately amended to correct the typographical error by deleting “and” and insert “an”.

- Page 22, line 4: “complete button 144” would read well as “Finish Goal Editing button 144”.

APPLICANTS RESPONSE: The paragraph containing page 22, line 4 has been appropriately amended to delete “complete button 144” and insert “Finish Goal Editing button 144”, which is consistent with Figure 13.

No new matter has been added.

### **Claim Objections**

Claims 1, 13, 28, and 31 were objected to, and the Examiner suggested amending each claim to recite “A computer-implemented method of”. Applicants have amended each claim as suggested. Accordingly, Applicants respectfully request withdrawal of the objections.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1, 4-6, 8-12, 14-15, 18-20, 22-35, 37-38 and 40-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mui et al., U.S. Patent Application No. 2003/0229529 (hereinafter “*Mui et al.*”). Applicants respectfully traverse the rejection.

*Mui et al.* describes a “method for identifying one or more persons from a plurality of persons to utilize in achieving a goal.” *Mui et al.*, Abstract. *Mui et al.* also includes teachings pertaining to the goals themselves. More specifically, Fig. 7 of *Mui et al.* details the business objects that support “the principal tasks users perform in ... finding performance interventions--resources and services that can be applied to improve human capital performance.” *Id.*, para. 0211. Fig. 7 identifies the position of “an individual’s goals 713” in such a system.

*Mui et al.* also teaches disaggregating organizational goals into smaller segments. More specifically and referring to Figure 18, “An organization's business goals 1802 may be specific goals at any level: enterprise, business unit, function, project, or department level. By disaggregating the organizational goals into smaller segments such as projects or jobs a user of the Performance Application, such as a manager in the organization, can determine the required goals 1804 for each jobholder.” *Id.*, para. 1232.

With reference to Figure 24, *Mui et al.* also teaches that a Goal can be displayed and “[b]oth Parent Goal 2430 and Subgoal 2440 are shown. The individual assigned the goal 2450 is identified.” *Id.*, para. 1330.

*Mui et al.* further teaches that, “A Goal Assignment can be linked to another goal to establish a parent-child relationship. The resulting hierarchy is a pyramid of goals (at all time rooted into the corporate goals?).” *Id.*, para 1305.

With reference to Figure 25, the “Performance Application can be used to find individuals with competencies that match the competencies required to achieve a goal.” *Id.*, para. 1331. The results of a “Find People” search to identify individuals matching a competency profile 2510 is shown” in Figure 25. *Id.* “The Find People screen shows users people that closely match the competency profile of a given assignment.” *Id.*

**HOWEVER, as discussed in more detail below, *Mui et al.* fails to teach a solution to solve problems identified in the Present Application, which are solved by the present invention as claimed.**

The present application states that “a need has arisen for methods and systems for guiding the goal creation process to ensure that goals are properly aligned.” “For example, a need exists for methods and systems which ensure that team goals are linked to appropriate teams.” Present Application, p. 9, lines 4-8.

#### **Claim 1.**

In contrast to the teachings of *Mui et al.*, the present invention as recited in claim 1 is a computer-implemented method of guiding an individual creating a new goal to facilitate alignment of the new goal that includes “**ensuring** that the new goal is a child goal of a parent goal in the goal management system” and “**ensuring** that the parent goal is linked to a team that includes the individual.” (emphasis added). *Mui et al.* fails to include any teachings that “ENSURE” “that the new goal is a child goal of a parent goal” **and** “ENSURE” “that the parent goal is linked to a team that includes the individual” as required by claim 1. Rather, *Mui et al.* in its arguably most relevant teaching in Figure 24 allows a user to “find” a goal to insert as a parent goal. HOWEVER, *Mui et al.* fails to teach how the system and processes described by *Mui et al.* “ensure” “that the new goal is a child goal of a parent goal” **and** “ENSURE” “that the parent goal is linked to a team that includes the individual.” Applicants respectfully submit that the extent of *Mui et al.*’s arguably most relevant teachings are confined to “A Goal Assignment can be linked to another goal to establish a parent-child relationship” (para. 1305) and “Both a Parent Goal 2430 and Subgoal 2440 are shown. The individual assigned the goal 2450 is identified” (para. 1330). Such confined teachings fail to teach or suggest the present invention recited in claim 1.

Without the guarantee of “**“ensuring** that the new goal is a child goal of a parent goal in the goal management system” and “**“ensuring** that the parent goal is linked to a team that includes the individual” as required by the present invention of claim 1, Applicants respectfully submit that *Mui et al.* not only fails to anticipate the present invention of claim 1 but also fails to provide any teachings that solve a principal problem identified in the Present Application, p. 9, lines 4-8 that is solved by the present invention of claim 1.

*Mui et al.* discusses principles behind how to achieve a particular goal, i.e.:

To achieve a particular goal, the Performance Application helps focus the user on what (1) competencies are required (2) resources are involved in its execution (3) help, assistance, or collaboration is needed (4) information and knowledge is needed, and (5) resources are involved in its execution. The Performance Application allows users to attach Competencies to each Goal and Goal Metric. As a result, the Performance Application can display to any user all of the Competencies required to achieve a particular Goal. *Mui et al.*, para. 1285.

*Mui et al.* also teaches that with respect to “time” and individual goals that, “Every goal must be linked to time” and “[t]ime must be measurable, attainable and realistic.” *Id.*, para. 1284. *Mui et al.* also teaches in a Document Definition Type that “For container objects, any children are acceptable matches, and intervening Container and Description tags are automatically navigated past.” *Id.*, para. 1104. (Applicants respectfully submit that “automatically navigated past” equates to ‘skipping’ intervening Container and Description tags.).

Nevertheless, Applicants respectfully submit that *Mui et al.* focuses on making sure that goals can be completed as opposed to ensuring alignment of goals by “**“ensuring** that the new goal is a child goal of a parent goal in the goal management system” and “**“ensuring** that the parent goal is linked to a team that includes the individual” as required by the present invention of claim 1.”

#### **Claim 15.**

Applicants respectfully submit that for at least reasons similar to those presented above with respect to claim 1, *Mui et al.* fails to teach or suggest the present invention of claim 15, which recites in part:

15. A program product for guiding an individual creating a new goal, the program product comprising:

computer instructions that:

ensure that the new goal is a child goal of a parent goal; and

ensure that the parent goal is linked to a team that includes the individual.

**Claim 28.**

Applicants respectfully submit that for at least reasons similar to those presented above with respect to claim 1, *Mui et al.* fails to teach or suggest the present invention of claim 28, which recites in part:

28. A computer-implemented method of aligning, in a goal management system, a new goal of an entity, the method comprising:

receiving user input from an individual relating to creation of the new goal;

ensuring that the new goal is a child goal of a parent goal in the goal management system;

ensuring that a group is linked to the parent goal;

ensuring that the entity is subordinate to the group.

**Claim 31.**

Currently amended claim 31 recites:

31. A computer-implemented method of facilitating contextual alignment of a new goal, the method comprising:

receiving user input relating to creation of the new goal;

recognizing an organizational role for an entity; and

customizing content of a user interface, based on the organizational role of the entity, such that the user interface with the customized content provides goal creation guidance according to the organizational role.

Applicants respectfully submit that *Mui et al.* fails to teach or suggest at least “customizing content of a user interface, based on the organizational role of the entity, such that the user interface with the customized content provides goal creation guidance according to the organizational role” as required by claim 31.

The Examiner cites para. 1409 and Figure 27 of *Mui et al.* Paragraph 1409 states:

[1409] Referring to FIG. 27, a screenshot illustrating feedback results are shown. After feedback results are calculated by the Performance Application, the Performance Application displays to the user the performance summary and allows the user to view comments. The Performance Application displays to the user the employee name for which the summary applies, the Performance Summary period 2780, the date which Feedback was last updated, the Average rating 2710 (a calculated average of all respondents), Self rating 2720, Manager rating 2730, Peer ratings 2740, and Customer ratings 2750. The Performance Application displays the list of goals 2760 that the individual had as targets during the review period; each goal can be rated by self, manager, peers and customers. The Performance Application displays the list of the person's competencies 2770 derived from all goals targeted during the review period and current job roles. By clicking on the Self, Manager, Peers and Customer links, the user can get general performance comments by these respective respondents. These comments should be anonymous.

Applicants respectfully submit that the foregoing teaching of *Mui et al.* relate SOLELY to reviewing EXISTING goals, performance summaries, and comments and **provide no teachings** related to “goal creation guidance”. For example, *Mui et al.* teaches “the Performance Application displays to the user the performance summary and allows the user to view comments”, and “[t]he Performance Application displays the list of goals 2760 that the individual had as targets during the review period.” **In contrast to solely reviewing existing goals as taught by *Mui et al.***, the present invention of claim 31 recites “receiving user input relating to creation of the new goal” and “customizing content of a user interface, based on the organizational role of the entity, such that the user interface with the customized content provides goal creation guidance according to the organizational role.”

#### **Claim 38.**

Applicants respectfully submit that for at least reasons similar to those presented above with respect to claim 1, *Mui et al.* fails to teach or suggest the present invention of claim 38, which recites in part:

38. A system for guiding an individual creating a new goal, the system comprising:

processing resources that:

receive user input relating to creation of the new goal;

**ensure that the new goal is a child goal of a parent goal;**

**ensure that the parent goal is linked to a team that includes the individual.**

#### **Claim 40.**

Applicants respectfully submit that for at least reasons similar to those presented above with respect to claim 31, *Mui et al.* fails to teach or suggest the present invention of claim 38, which recites in part:

40. ... computer program instructions that generate an electronically displayable user interface which guides an individual creating a new goal, the user interface comprising:

specialized instructions and sample content for characteristics of the new goal, wherein the specialized instructions and sample content provide goal creation guidance according to a role of the individual within an organization, such that the specialized instructions and sample content facilitate contextual alignment between the new goal and the role of the individual.

In light of the above remarks, Applicants respectfully request withdrawal of the rejection of independent claims 1, 15, 28, 31, and 38. Applicants also respectfully request withdrawal of the rejection of the claims that depend, directly or indirectly, upon independent claims 1, 15, 28, 31, or 38.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 2, 16, 36, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mui et al.* in view of *Sullivan et al.*, U.S. Patent Application No. 2003/0194046 (hereinafter "*Sullivan et al.*"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness based upon *Mui et al.* in combination with *Sullivan et al.* because the filing date of *Sullivan et al.* is after the filing date of the present application **and** the Examiner has not demonstrated that the subject matter relied upon by the Examiner in *Sullivan* was also present in the parent application of *Sullivan et al.* Applicants have searched for publication of the parent application of *Sullivan* (U.S. Patent Serial No. 09/450,002) but have been unable to locate the parent application. The Examiner did not provide a copy (electronically, paper, or otherwise) of the parent application. Without being able to compare the parent application of *Sullivan* with

*Sullivan*, it would be premature for Applicants to make remarks in light of a reference whose nature as a prior art reference has not been conclusively established.

### **Claim Rejections - 35 U.S.C. § 103**


Claims 3 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mui et al. in view of *Sullivan et al.*, and further in view of *Sitka*, U.S. Patent Application No. 6,330,572. Applicants respectfully traverse the rejection.

As stated above with regard to the previous rejection, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of obviousness based upon *Mui et al.* in combination with *Sullivan et al.* and *Sitka* because the filing date of *Sullivan et al.* is after the filing date of the present application **and** the Examiner has not demonstrated that the subject matter relied upon by the Examiner in *Sullivan* was also present in the parent application of *Sullivan et al.* Applicants have searched for publication of the parent application of *Sullivan* (U.S. Patent Serial No. 09/450,002) but have been unable to locate the parent application to compare with *Sullivan*. The Examiner did not provide a copy (electronically, paper, or otherwise) of the parent application. Without being able to compare the parent application of *Sullivan* with *Sullivan*, it would be premature for Applicants to make remarks in light of a reference whose nature as a prior art reference has not been conclusively established.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALENANDRIA, VA 22313-1450, on February 7, 2005.

  
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Feb. 7, 2005  
Date of Signature

Respectfully submitted,



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